
MEMORANDUM

TO: DEVELOPMENT REVIEW COMMITTEE
FROM: JULIANNE THOMAS, PLANNER
SUBJECT: BOAT BARN STORAGE TEXT AMENDMENT
DATE: 7/11/2006



I. BACKGROUND

The text amendment proposes a definition for a covered boat storage barn. The definition seeks to allow for efficient storage of boats without creating a nuisance for surrounding property owners.

II. SUMMARY OF CHANGES

1. DEFINE BOAT BARN

The text amendment proposes a definition for Boat Barn that will allow the structure to store boats with a roof and/or side enclosures.

2. MODIFY THE DEFINITION OF FLOOR AREA

The text amendment modifies the definition for Non-Residential Floor Area so that Boat Barns and uncovered, unenclosed boat racks located in marinas which do not exceed 50% of the net buildable area of the marina are excluded from floor area calculations and the NROGO regulations.

Furthermore, Boat Barns and uncovered unenclosed boat racks that meet the threshold above are not affected by NROGO. Boat Barns which are NROGO exempt do not have transferable floor area.

3. PROVIDE BUFFERYARD REQUIREMENTS TO LIMIT NEGATIVE IMPACT ON SURROUNDING PROPERTIES

The text amendment includes provisions that all boat barns maintain a Class E bufferyard. The minimum width for a Class E bufferyard is 30 ft. This provision is reduced to a Class C bufferyard if the property is along a canal. The minimum width for a Class C bufferyard is 20 ft.

III. FINDINGS OF FACT

1. Staff finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(i) and (ii) "changed projections" and "changed assumptions".
2. Staff finds the amendment consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
3. Staff finds the amendment consistent with F.A.C. Chapters 9J-5, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

IV. PROPOSED TEXT CHANGES

Please see attached ordinance.

V. RECOMMENDED ACTION

Based on the Findings of Fact above, the Development Review Committee recommends **APPROVAL** of the proposed text amendment.

ORDINANCE NO. ____ - 2006

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING A DEFINITION FOR BOAT BARN, AMENDING SECTION 9.5-124, AMENDING SECTIONS 9.5-124.2 TYPE OF DEVELOPMENTS AFFECTED; SECTION 9.5-124.3 TYPE OF DEVELOPMENT NOT AFFECTED; AND THE SETBACK AND BUFFERYARD REQUIREMENTS FOR MARINAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners makes the following Findings of Fact:

1. The current land development regulations do not provide a definition for boat barns.
2. The existing definition for non-residential floor area requires the allocation of Non-residential Rate of Growth Ordinance (NROGO) floor area for boat barns.
3. Federal and State law grants power to Monroe County to regulate and restrict the use of land and buildings in order to promote the safety and general welfare of its citizens.
4. Monroe County has adopted land use goals, policies, and objectives in a comprehensive plan to guide policy on building and land use regulations, and to promote health, safety, and general welfare.
5. The provision of this ordinance are consistent with the Monroe County Comprehensive Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State Concern.
6. Section 9.5-511, of the Monroe County Code, delineates the mechanism to amend the Monroe County Code via a "text amendment".
7. The Development Review Committee held a publicly advertised meeting on _____.
8. The Monroe County Planning Commission held a duly advertised public hearing on _____ and recommended that the BOCC approve the text amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

PROPOSED TEXT CHANGES are presented in ~~striketrough~~ to indicate deletions and underline to indicate additions.

Section 1. §9.5-4 (Definitions) of the Monroe County Code will be amended to include a definition for boat barn as follows:

(B-6.1) *Boat Barn*: A structure enclosing and/or covering boat storage racks with a roof and one or more sides and used for the storage of vessels and associated equipment not associated with retail sales of boats. Boat barns within marinas may be considered as the principal building or structure, but the marina remains the principal use.

Section 2. § 9.5-124. Non-residential rate of growth ordinance (NROGO) will be amended as follows:

(b) *Definitions*: The words and phrases used in this section shall have the meanings prescribed in this chapter, except as otherwise indicated as follows:

Non-residential floor area means the sum of the gross floor area for a non-residential building or structure as defined in section 9.5-4, any areas used for the provision of food and beverage services and seating whether covered or uncovered, and all covered, unenclosed areas except for walkways, stairways, entryways, parking, loading areas, boat barns, and uncovered, unenclosed boat racks located in marinas which do not exceed 50% of the net buildable area of the marina. Non-residential floor area is not space occupied by transient residential and institutional residential principal uses.

Section 3. § 9.5-124.2. Type of development affected (by NROGO) will be amended as follows:

(e) The cumulative portion of the floor area of boat barns and uncovered, unenclosed boat racks located in marinas, which exceed 50% of the net buildable area.

Section 4. § 9.5-124.3. Type of development not affected (by NROGO) will be amended as follows:

(9.1) The portion of boat barns and uncovered, unenclosed boat racks in marinas which is less than 50% of the net buildable area of the marina.

(9.2) Covered storage areas as an accessory use to an outdoor retail sales, provided that the area does not exceed twenty-five (25) percent of the gross area of the parcel proposed for development.

(10) Transfer off-site of existing non-residential floor area: The demolition and transfer off-site of non-residential floor area from a sender site and the development of the transferred non-residential floor area on a receiver site in accordance with the following procedures and criteria:

a. Eligibility of sender floor area: Only non-residential floor area within an enclosed structure, as defined in section 9.5-4(F-9), not including uncovered areas designated for food and beverage services and seating shall be eligible for transfer. Non-residential floor area shall meet all of the following criteria

i. Be lawfully established floor area or received an NROGO allocation or transfer of floor area after September 19, 2001.

Section 5. The Monroe County Code § 9.5-232(c)(4)e, § 9.5-233(c)(1)e, §9.5-234(c)(1)f, §9.5-235(c)(5)e, , §9.5-249(c)(1)d, §9.5-250(c)(2)d, §9.5-251(c)(1)c will be amended to include the bufferyard requirement for marinas as follows:

The parcel proposed for development requires a thirty-foot front, side, and rear-yard setbacks with a Class E bufferyard.

When a required bufferyard runs along a canal, Class E bufferyard may be reduced to a class C.

Section 6. The bufferyard requirement listed under §9.5-236(c)(3)f, §9.5-238(c)(2)f, §9.5-239(c)(2)f, §9.5-243(c)(1)f, §9.5-244(c)(2)e, §9.5-245(f)(1)e, §9.5-247(g)(2)e, §9.5-247(r)(3)(a)v, §9.5-247(t)(1)e, §9.5-248(c)(4)d, of the Monroe County Code will be amended as follows:

The parcel proposed for development requires a thirty-foot front, side, and rear-yard setbacks with a Class E bufferyard.

When a required bufferyard runs along a canal, Class E bufferyard may be reduced to a class C.

Section 6. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or

provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 7. Repeal of Conflicting Provisions.

The provisions of the Monroe County code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date.

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

Section 9. Transmittal for Codification

The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Dixie Spehar
Commissioner George Neugent
Commissioner David Rice
Commissioner Glenn Patton

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk